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09/916,433	07/30/2001	Kosuke Yamamoto	35.C15630	8915
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			EXAMINER MILIA, MARK R	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,433

Applicant(s)

YAMAMOTO ET AL.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 9/19/05 and has been entered and made of record. Currently, claims 1-20 are pending.

### ***Priority***

2. Applicant's arguments regarding the claim for priority based on Japanese Application No. 398978/2000, filed December 27, 2000 is persuasive and applicant's claim for priority is acknowledged. The examiner apologizes for the previous denial of priority, as it was incorrect.

### ***Drawings***

3. Applicant's amendment to Figs. 1, 3, 10, and 14, to delete reference characters not mentioned in the specification and the amendment to the specification to insert reference characters has overcome the objection to the Drawings as cited in the previous Office Action. Therefore the objection has been withdrawn.

***Claim Rejections - 35 USC § 101***

4. Applicant's amendment to claim 12 to rewrite the claim in statutory form has overcome the rejection as cited in the previous Office Action. Therefore the rejection has been withdrawn.

***Response to Arguments***

5. Applicant's arguments filed 9/19/05 regarding the rejection of claims 1 and 10-12 have been fully considered but they are not persuasive.

In response to the arguments regarding the rejection of claims 1 and 10-12, wherein on pages 15-17, the applicant asserts that the reference of Salgado fails to disclose forming print data based on received draw information and selected one of a plurality of pieces of print set information, if a user is informed of estimated print times for the plurality of pieces of print information and if execution of a printing process is determined. The examiner respectfully disagrees as the reference of Salgado does disclose such a feature. Particularly, Salgado states that information to be printed is received in the form of electronic pages and sets of processing instructions (see column 6 lines 5-13) and that a user can set a number of attributes associated with the transmitted data (see column 6 line 61-column 7 line 14) which is analogous to forming print data based on received draw information and print set information. Further, Salgado shows that the user is informed of the estimated print time for each page, with

each page having associated attributes used for execution and in the determination of the estimated print time (see column 7 lines 31-35, column 9 lines 59-63, and column 11 lines 19-30). All of this is analogous to informing a user of estimated print times for the plurality of pieces of print information and execution of a printing process is determined.

Therefore, the rejection of claims 1-12, as cited in the previous Office Action, is maintained and repeated in this Office Action.

6. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection based on the current amendment to the claim. Newly added claims 17-20 will be addressed in the following rejection.

### ***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5579447 to Salgado.

Regarding claims 1, 10, 11, and 12, Salgado discloses an information processing system that serves as a host computer for forming print data which can be interpreted by a printing apparatus, comprising: receiving means for receiving draw information based on a print document formed by an application (see column 6 lines 5-12 and column 6 line 61-column 7 line 14), obtaining means for obtaining a plurality of pieces of

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print set information stored in a storage unit (see column 6 lines 47-48, column 7 lines 1-14, and column 8 lines 12-15), and estimating means for estimating, for each of the plurality of pieces of print set information obtained by said obtaining means, a print time required for a printing process of the draw information received by said receiving means (see Figs. 9 and 10, column 7 lines 23-35 and 46-56, column 8 lines 7-24, column 8 line 31-column 9 line 5, column 9 lines 59-63, column 10 lines 54-57, and column 11 lines 19-30, each page of print data is analogous to a piece of print set information), and forming means for forming, if a user is informed of the print times estimated for the plurality of pieces of print set information by said estimating means and if execution of the printing process is determined, said print data which can be interpreted by the printing apparatus based on the draw information received by said receiving means and a selected one of the plurality of pieces of print set information (see Figs. 1, 9, and 10, column 7 lines 31-35, column 9 lines 59-63, and column 11 lines 19-30).

Regarding claim 3, Salgado discloses the system discussed in claim 1, and further discloses wherein said print set information is information regarding print quality in said print data (see column 7 lines 9-14).

Regarding claim 4, Salgado discloses the system discussed in claim 1, and further discloses wherein said print set information includes information regarding print quality in said print data and information regarding a print layout (see column 7 lines 9-14).

Regarding claim 5, Salgado discloses the system discussed in claim 1, and further discloses wherein said estimating means estimates the print time required for the

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printing process of one piece of draw information received by said receiving means for each of the plurality of pieces of print set information obtained by said obtaining means (see column 7 lines 23-35, column 8 lines 57-58, and column 9 lines 59-63), and further comprising: informing means for informing the user of the print times estimated for the plurality of pieces of print set information by said estimating means before said print data is formed by said forming means (see Fig. 9, column 9 lines 59-63, and column 11 lines 19-30).

Regarding claim 6, Salgado discloses the system discussed in claim 5, and further discloses wherein said informing means provides said print time and a user interface for promoting an input of an instruction to execute the printing process which requires said print time (see Figs. 2 and 10, column 7 lines 1-22, and column 9 lines 59-63).

Regarding claim 7, Salgado discloses the system discussed in claim 5, and further discloses wherein the user interface which is informed by said informing means accepts the input of the instruction for canceling the execution of the printing process which requires said print time (see column 11 lines 19-30, reference states that after a user ascertains the estimated time to complete a print job, the user may modify or delete the print job, which is analogous to the claim limitation).

Regarding claim 8, Salgado discloses the system discussed in claim 1, and further discloses setting means for setting the plurality of pieces of print information to be obtained by said obtaining means (see column 6 lines 5-13 and column 6 line 61-column 7 line 14, reference shows that the pages to be printed are generated on a

workstation and transmitted to the printer for execution, which is analogous to the claim limitation).

Regarding claim 9, Salgado discloses the system discussed in claim 1, and further discloses a transmitting means for transmitting said print data to said printing apparatus through a network (see column 9 lines 32-63).

8. Claims 13 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6058277 to Streefkerk et al.

Salgado discloses an information processing system that serves as a host computer for forming print data which can be interpreted by a printing apparatus, comprising: obtaining means for obtaining draw information based on a print document formed by an application (see Fig. 1 and column 4 lines 10-15), estimating means for analyzing the draw information obtained by said obtaining means, and for estimating a print time required for a printing process of the draw information for each of a plurality of print modes stored in a storage unit (see Figs. 4 and 7, column 4 line 62-column 5 line 18, and column 6 lines 1-14), display control means for allowing the print time estimated by said estimating means to be displayed in correspondence to each of the plurality of print modes (see Figs. 4 and 7, column 4 lines 40-55, and column 6 lines 1-14, reference shows that a user can select different modes by selecting different medium, format, or finish options and the estimated print time will change accordingly), selection means for selecting one of the plurality of print modes displayed by said display control means (see Fig. 4 and column 4 lines 47-55, reference shows that a use can select



medium, format, and finish options that change the estimated print time of a document and thus a user is selecting a particular print mode), and forming means for forming said print data based on the one print mode selected by said selection means and the draw information obtained by said obtaining means (see Fig. 1 and column 4 lines 5-6).

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salgado as applied to claim 1 above, and further in view of U.S. Patent No. 6891632 to Schwartz.

Regarding claim 2, Salgado discloses wherein said obtaining means obtains the draw information including an ID of every object constructing said print document before the execution of the print (see column 8 lines 11-19).

Salgado does not disclose expressly wherein said obtaining means obtains the draw information through an expansion API provided between a printer driver and said application.

Schwartz discloses wherein said obtaining means obtains the draw information through an expansion API provided between a printer driver and said application (see column 1 lines 38-46).

Salgado & Schwartz are combinable because they are from the same field of endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the API provided between a printer driver and an application as described by Schwartz with the system of Salgado.

The suggestion/motivation for doing so would have been to provide a data stream for printing that can be supplied to a device driver to drive the printer. An API is well known and used in the art as generic interfaces between an application program, the operating system, and a device driver (see column 1 lines 16-63 of Schwartz).

Therefore, it would have been obvious to combine Schwartz with Salgado to obtain the invention as specified in claim 2.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Streefkerk as applied to claim 13 above, and further in view of U.S. Patent No. 6816270 to Cooper et al.

Streefkerk discloses a display (see Fig. 4).

Streefkerk does not disclose expressly wherein said display control means allows a button for displaying a preview image for confirming an image quality to be displayed in correspondence to said plurality of print mode.

Cooper discloses wherein said display control means allows a button for displaying a preview image for confirming an image quality to be displayed in

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correspondence to said plurality of print mode (see Fig. 4, column 2 lines 57-58, column 6 lines 16-21 and 35-42, and column 7 lines 7-28).

Streefkerk & Cooper are combinable because they are from the same field of endeavor, processing and execution of print data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the print preview aspect of Cooper with the system of Streefkerk.

The suggestion/motivation for doing so would have been to avoid printing multiple copies of a document in the case the output does not coincide correctly with the input and to thereby reduce paper consumption (see column 1 lines 15-45 of Cooper).

Therefore, it would have been obvious to combine Cooper with Streefkerk to obtain the invention as specified in claim 14.

12. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streefkerk as applied to claim 13 above, and further in view of Schwartz.

Regarding claim 15, Streefkerk does not disclose expressly a discriminating means for analyzing the draw information which is obtained by said obtaining means and discriminating a proper print mode from said plurality of print modes, and wherein said display control means allows a message for recommending the print mode discriminated by said discriminating means to be displayed.

Schwartz discloses a discriminating means for analyzing the draw information which is obtained by said obtaining means and discriminating a proper print mode from

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said plurality of print modes, and wherein said display control means allows a message for recommending the print mode discriminated by said discriminating means to be displayed (see column 5 line 47-column 6 line 63, column 7 lines 11-15, and column 9 lines 13-16).

Regarding claim 16, Streefkerk does not disclose expressly wherein said discriminating means discriminates the proper print mode on the basis of a ratio of color data of the draw information.

Schwartz discloses wherein said discriminating means discriminates the proper print mode on the basis of a ratio of color data of the draw information (see column 7 line 40-column 8 line 4).

Streefkerk & Schwartz are combinable because they are from the same field of endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the correct selection of a print mode, especially on the basis of color as described by Schwartz with the system of Streefkerk.

The suggestion/motivation for doing so would have been to provide the shortest printing time using the optimum strategy for printing including considering printing speed, image quality, and user preferences. Proper selection will lead to faster printing (see abstract, column 1 lines 9-14, and column 5 lines 57-61 of Schwartz)

Therefore, it would have been obvious to combine Schwartz with Streefkerk to obtain the invention as specified in claims 15 and 16.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salgado as applied to claim 5 above, and further in view of Streefkerk.

Salgado discloses a selection means for selecting one of the plurality of pieces of print set information stored in the storage unit for execution of the printing process and informing the user of the estimated print time before a page is printed to allow a user to modify and/or delete the operation if the time is not acceptable (see column 11 lines 19-30).

Salgado does not disclose expressly a selection means for selecting one of the plurality of pieces of print set information after said informing means informs the user of the estimated print times.

Streefkerk discloses selecting a particular print mode, informing the user of the estimated time to print before the user instructs the forming device to execute the print job (see Fig. 4 and 7, reference shows that when a user is satisfied with the selected options and the estimated print time a user must select the print button to actually execute the printing operation).

Salgado & Streefkerk are combinable because they are from the same field of endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ability to see the estimated print time before selecting a particular set of options associated with the print data as described by Streefkerk with the system of Salgado.

The suggestion/motivation for doing so would have been to allow a user to judge if the estimated print time is acceptable to avoid wasting time and money.

Therefore, it would have been obvious to combine Streefkerk with Salgado to obtain the invention as specified in claim 20.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
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JANUARY 11, 2010